IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8940 of 2007(L)

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OS.75/2007 of MUNSIFF COURT, MANJERI

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PETITIONERS/RESPONDENTS/DEFENDANTS:

1. K.ABDUL KAYYOOM SULLAMI, AGED 53 YEARS,
   S/O. ALI, THEKKUMURY, AREECODE AMSOM,
   OORGATTIRY DESOM, ERANAD TALUK, MALAPPURAM.

2. N.V.ABDU RAHIMAN, AGED 58 YEARS,
   S/O. ABDUL SALAAM MOULAVI, YASAR VILLA,
   AREACODE AMSOM, ERANAD TALUK, MALAPPURAM.

3. DR. K.ABDU RAHIMAN, AGED 60 YEARS,
   S/O. K.ABOOBACKER, KOLLATHODI HOUSE, DO. DO.

BY ADV. SRI.C.KHALID
SRI.R.O.MUHAMED SHEMEEM

RESPONDENTS/PETITIONERS/PLAINTIFFS:

1. A.P.ABDUL KHADER MOULAVI, AGED 74 YEARS,
   S/O. SAINUDDIN, EDATHIPARAMBILHOUSE,
   EDAVANNA AMSOM, PATHAPIRIAM DESOM,
   MALAPPURAM.

2. N.USMAN MANDANI, AGED 54 YEARS,
   S/O. ITHAALU HAJI, AL-HILAL MANZIL, DO. DO.

3. P.ALI, AGED 34 YEARS, S/O. AALIKUTTY,
   PILAKKADAN HOUSE, KAARAPARAMBU,
   PULPATTA AMSOM DESOM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

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W.P.(C)No. 8940 of 2007 L

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**JUDGMENT**

The petitioners are the defendants in O.S.No. 75/07 on the file of the Munsiff's Court, Manjeri. Their grievance is that despite filing Exhibit P4 caveat on 5.3.2007, the court below has passed injunction order on I.A.No.287/07, filed in the said suit, directing the parties to maintain status quo and that this has, practically, nullified the effect of filing a caveat. The submission is true, if the facts stated are also true. It is seen that Exhibit P4 caveat is filed on 5.3.2007. The Copy of the order of status quo passed by the court below is not produced before me. What is produced is Exhibit P3, a memo given by one Advocate Sri.Zafarullah, who is stated to be the counsel appearing for the plaintiffs in O.S.No.75/07. That memo is seen dated 6.3.2007. From, what is produced as Exhibit P4, I am unable to say as to when

actually Exhibit P4 was filed, though it is dated 5.3.2007. I am also unable to say from what is produced before me as to when the status quo order was passed or if any status quo order is passed at all.

In the circumstances, I dispose of this writ petition directing the Munsiff, Manjeri to dispose of the injunction petition filed in O.S.No.75/07 on merits, positively within one week from the date of receipt by him of a copy of this judgment, provided counter also is filed by the respondents therein to the said injunction applications, as submitted. The petitioners are allowed to produce a copy of this judgment before the Munsiff, so as to enable him to comply with the above direction, as expeditiously as possible.

16th March, 2007 (K.P.Balachandran, Judge)

tkv